

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA

Plaintiff,

vs.

RUBEN PENA AVILA

Defendant.

**8:21MJ627**

**ORDER ISSUED PURSUANT TO THE  
DUE PROCESS PROTECTION ACT**

This matter came before the Court for Initial Appearance on a Complaint. The government was represented by Jody Mullis. The defendant was present and represented by Jeffrey L. Thomas.

**IT IS ORDERED:**

Pursuant to the Due Process Protections Act, the Court confirms the United States' obligation to disclose to the defendant all exculpatory evidence as required by *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, and orders the United States to do so. Failure to disclose exculpatory evidence in a timely manner may result in consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, or sanctions by the Court.

DATED: January 5, 2022.

BY THE COURT:

s/ Susan M. Bazis  
United States Magistrate Judge